

ARGUED DECEMBER 14, 2018

NO. 18-3071

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

IN RE GRAND JURY SUBPOENA

Appeal from the United States District Court for the District of Columbia
No. 1:18-mj-0041

REPLY IN FURTHER SUPPORT OF MOTION TO UNSEAL

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REPLY IN FURTHER SUPPORT OF MOTION TO UNSEAL

Pursuant to Federal Rule of Appellate Procedure 27(a)(4), the Reporters Committee for Freedom of the Press (the “Reporters Committee”) respectfully submits this Reply in Further Support of its Motion to Unseal.¹

Appellant’s Response confirms that the Motion to Unseal should be granted. Appellant—the witness held in contempt in this matter—“takes no position” on the Reporters Committee’s Motion to Unseal. Country A’s Response to the Reporters Committee for Freedom of the Press’s Mot. to Unseal (“Response”) at 1. Thus, it appears that Appellant itself has no interest in seeking to preserve the secrecy of its identity or its penalty. *Id.*; *see also* Ex. A at 1 n.1 (noting in “Country A’s” unredacted Supplemental Brief In Support of its Petition for a Writ of Certiorari that it refers to itself as “Country A” “[b]ecause of the sealing order in place”). To the contrary, the Response suggests that Appellant is *willing* to share its identity publicly but that the government is barring it from doing so. Whether that tacit suggestion is accurate, its existence subjects these proceedings to the very risks that undergird the rationales for the public’s right of access in the first place. *See* Mot. to Unseal at 10-11. Indeed, as the Response makes clear, the public’s interest in understanding the full scope of these proceedings—including the identity of “the

¹ Although Appellant’s Response to the Motion to Unseal was filed under seal on January 16, 2018, it was not served on the Reporters Committee until February 1, 2019, rendering this Reply timely. *See* Fed. R. App. P. 27(a)(4).

Corporation” or “Country A,” *see* Response at 1 n.1—and in vindicating the public’s ability to serve as a check on the exercise of prosecutorial and judicial power is manifest here.

Particularly in contempt proceedings where the power of the court can *only* be checked by public scrutiny, the need for public access is at its zenith. *See* Mot. to Unseal at 14-15 (collecting cases). Appellant apparently still disputes that it can be subject to any penalty for refusing to comply with the grand jury subpoena at issue in this action, Response at 1 n.1, yet the public is unable to evaluate whether the district court applied its contempt powers consistent with the law because the record remains sealed, even though this Court released a public version of its ruling. This Court should lift the veil on these proceedings, as Appellant seemingly is willing to do, and let the public see for itself the record regarding whether Appellant is a “Country” immune from our laws, as Appellant suggests, or a “Corporation,” as the courts have found.²

Moreover, the secrecy surrounding Appellant’s Response to the Motion to Unseal further demonstrates that the government’s assertions as to what materials

² To the extent Appellant—a witness not subject to the secrecy provision of Federal Rule of Criminal Procedure 6(e), *see* Ex. A at 1 n.1 (“Country A understands that it is only a witness in the underlying investigation.”)—wishes to reveal its identity but is prohibited from doing so by the government or otherwise, such a prohibition would present both due process and First Amendment concerns.

should and should not be sealed should be closely scrutinized. As this Court explained in its order dated February 1, 2019, Appellee—presumably the government, *see* Cert. of Service, Response to Mot. to Unseal—opposed the public filing of Appellant’s two-page Response. On what basis, neither the Reporters Committee nor the public knows. While the Reporters Committee appreciates the Court’s overruling of the government’s secret objections, it is clear from the face of Appellant’s Response that the government had no rational basis—much less any compelling one—to argue that any portion of the Response should be kept sealed, particularly where the government *itself* has disclosed the names of Appellant’s counsel, the only previously secret information contained in the Response. *See* Statement of Related Matters. If the government’s opposition to Appellant’s attempt to file the Response publicly is any indication, the government’s positions as to what can and cannot be sealed in this manner are inconsistent with what the Constitution and common law allow.

Nor can the government justify continued sealing of these proceedings in an attempt to keep secret the grand jury investigation from which these proceedings emanate. The district court’s now-unsealed docket identifies members of Special Counsel Robert Mueller’s office as the attorneys of record in the case. Ex. B (district court docket). The government can no longer deny that the contempt order leading to this appeal arose from the Special Counsel’s investigation; it is

now a matter of public record. *See* Josh Gerstein, *Muller Role Confirmed In Subpoena Battle With Mystery Firm*, Politico (Feb. 1, 2019), <https://politi.co/2HNMa30>. With this connection made, the government's ability to demonstrate a compelling interest to seal any portion of this record is necessarily weakened even further.

Finally, although the government apparently opposed the public filing of Appellant's Response, *see* Order dated Feb. 1, 2019, the Reporters Committee and the public still have no idea whether, or on what basis, the government opposes the Motion to Unseal itself. To the extent the government has secretly opposed the Motion to Unseal, the Reporters Committee should at least be given some opportunity to review that opposition and respond. *See* Fed. R. App. P. 27(a)(4). If the government's argument against unsealing is—as it intimated in the Supreme Court, *see* Statement of Related Matters at 3—that no right of public access exists here, the Reporters Committee deserves the opportunity to respond to that incorrect legal argument head-on. And if the government's justification for sealing relies on some factual contention, the Reporters Committee, like the public, should have the ability to understand that rationale and to rebut it. The First Amendment and the common law strictly limit the government's ability to deprive the public of access to contempt and appellate proceedings. *See* Mot. to Unseal at Arg. Pt. I-II. The government should not be allowed to justify secrecy with yet more secrecy.

For the foregoing reasons, the Reporters Committee respectfully requests that this Court grant its Motion to Unseal and direct the filing of public versions of the briefs, the record, and the oral argument transcripts in this appeal, allowing only those redactions that are narrowly tailored to serve a compelling governmental interest. And given that “the Corporation” or “Country A” advances no interest in maintaining secrecy here, this Court should direct that these public filings identify Appellant, particularly now that so much of these proceedings have entered the public domain.

February 4, 2019

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

1. This Reply Brief in Further Support of the Motion to Unseal complies with the type-volume limitation of Federal Rules of Appellate Procedure 27(d) because it contains 1088 words, excluding the parts of the motion exempted by Federal Rule of Appellate Procedure 32(f); and

2. This Reply Brief in Further Support of the Motion to Unseal complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in 14-point Times New Roman font.

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of February, 2019, I caused the foregoing Reply Brief in Further Support of the Motion to Unseal to be electronically filed with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the Court's CM/ECF system. I further certify that four copies of this Statement were filed with the clerk, pursuant to Circuit Rule 27(b), by hand delivery to the clerk, pursuant to Circuit Rule 25(d).

February 4, 2019

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, the Reporters Committee for Freedom of the Press certifies that it is an unincorporated association of reporters and editors with no parent corporation and no stock.

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CERTIFICATE OF PARTIES

Because the identity of the parties is not public, the Reporters Committee for Freedom of the Press is not able to provide a certificate of parties, intervenors, and amici who have appeared before the district court and are in this court, pursuant to Circuit Rules 27(a)(4) and 28(a)(1)(A).

Date February 4, 2019

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Exhibit A

No. 18-948

IN THE SUPREME COURT OF THE UNITED
STATES

In re Grand Jury Subpoena

*On Petition for a Writ of Certiorari to the
United States Court of Appeals for the
District of Columbia Circuit*

**SUPPLEMENTAL BRIEF UNDER RULE 15.8
SUPPORTING COUNTRY A'S PETITION FOR
A WRIT OF CERTIORARI**

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**SUPPLEMENTAL BRIEF UNDER RULE 15.8
SUPPORTING COUNTRY A'S PETITION FOR
A WRIT OF CERTIORARI**

On December 18, 2018, the D.C. Circuit issued a judgment purporting to exercise subject-matter jurisdiction under 18 U.S.C. § 3231, denying Country A sovereign immunity, compelling Country A to comply with a grand jury subpoena, and affirming the district court's order sanctioning Country A \$50,000 every day that it does not comply with the subpoena.¹ The D.C. Circuit issued its mandate the same day.

Less than three weeks later (on January 4), Country A filed its petition for a writ of certiorari. On January 8, the D.C. Circuit issued an opinion elaborating on its December 18 judgment. Supp. App. 1a. The opinion confirms that, through its judgment, the D.C. Circuit (1) became the first American appellate court to exercise subject-matter jurisdiction under 18 U.S.C. § 3231 in an action against a foreign state, (2) deepened a circuit split on whether the FSIA categorically immunizes foreign states from American criminal jurisdiction, (3) cemented a separate circuit split on whether the FSIA (through 28 U.S.C. § 1330(a)) is the exclusive basis for subject-matter jurisdiction in an action against a foreign state, (4) parted ways with its sister circuits (including the Sixth Circuit) by holding that the FSIA's exceptions to

¹ Because of the sealing order in place, we refer to Petitioner as "Country A." Country A is a wholly-owned agency or instrumentality of a foreign state, so it qualifies as a foreign state under the Foreign Sovereign Immunities Act (FSIA). Country A understands that it is only a witness in the underlying investigation.

jurisdictional immunity (28 U.S.C. §§ 1605–07) apply outside of § 1330(a)’s jurisdictional limits, and (5) confirmed that the courts of appeals are divided on whether an American court can order contempt sanctions (monetary or non-monetary) against a foreign state.

Those issues cry out for certiorari review. Congress enacted the FSIA in part to ensure “a uniform body of law” in jurisdictional and immunity matters involving foreign states. *Verlinden B.V. v. Cent. Bank of Nigeria*, 461 U.S. 480, 493 (1983) (quoting H.R. Rep. No. 94-1487, at 32, *reprinted in* 1976 U.S.C.C.A.N. 6604). The fractures in the lower courts undermine that goal.

And the fault lines run on issues of outsized importance to American jurisprudence and international law: The conflicts cut to the heart of national sovereignty and international comity. If left to stand, the D.C. Circuit’s judgment would create chaos in the international community—possibly alienating American allies, undermining diplomacy, and all but guaranteeing that American agencies and instrumentalities will (despite their protestations) face criminal proceedings abroad. The United States has rightly rejected the International Criminal Court as a threat to America’s sovereign immunity from foreign criminal jurisdiction. With the decision below, America has said to the world, “Do as I say, not as I do.”

I. THE D.C. CIRCUIT'S OPINION CONFIRMS THAT THE COURTS OF APPEALS ARE DIVIDED ON THE QUESTIONS PRESENTED IN COUNTRY A'S PETITION.

In its petition, Country A describes multiple circuit splits: The courts of appeals are divided on (1) whether 28 U.S.C. § 1330(a) is the exclusive basis for subject-matter jurisdiction in an action against a foreign state, (2) whether foreign states are immune from American criminal jurisdiction, and (3) whether an American court may enter or enforce a contempt sanction against a foreign state. Petition for Certiorari (Pet.) 17–20, 28–29. The D.C. Circuit's opinion confirms all three splits.

Against this Court's teaching that "jurisdiction in actions against foreign states is comprehensively treated by [] section 1330" (*Argentine Republic v. Amerada Hess Shipping Corp.*, 488 U.S. 428, 437 n.5 (1989) (quoting H.R. Rep. No. 94-1487, at 14)) and eight other circuits' holdings that 28 U.S.C. § 1330(a) is the "exclusive source of subject matter jurisdiction in suits involving foreign states" (Pet. 18 (quoting *Shapiro v. Republic of Bolivia*, 930 F.2d 1013, 1017 (2d Cir. 1991))), the D.C. Circuit purported to exercise subject-matter jurisdiction under 18 U.S.C. § 3231, a non-FSIA statute of general criminal jurisdiction that says nothing about foreign states.

Against this Court's and the Sixth Circuit's holdings that the FSIA's exceptions to jurisdictional immunity (§§ 1605–07) are civil in nature and operate only within § 1330(a)'s jurisdictional limits (Pet. 8, 20)

(citing *Verlinden*, 461 U.S. at 489, and *Keller v. Cent. Bank of Nigeria*, 277 F.3d 811, 820 (6th Cir. 2002)), the D.C. Circuit rejected the notion that the FSIA's immunity "exceptions are categorically unavailable in criminal cases." Supp. App. 15a. The D.C. Circuit acknowledged that the "the few circuits to consider th[e] issue have reached differing conclusions" about whether the FSIA categorically immunizes foreign states from American criminal proceedings. Supp. App. 5a.²

And against the Fifth Circuit's holding that American courts have no authority to enter (let alone enforce) contempt sanctions against foreign states (Pet. 28–29) (citing *Af-Cap Inc. v. Republic of Congo*, 462 F.3d 417, 428 (5th Cir. 2006)), the D.C. Circuit held that "contempt sanctions against a foreign sovereign are available under the" FSIA. Supp. App. 18a (quoting *FG Hemisphere Assocs., LLC v.*

² In its opinion, the D.C. Circuit tries to mask its disagreement with the Sixth Circuit by suggesting that the *Keller* court might have reached a different result if it had considered 18 U.S.C. § 3231's jurisdictional grant. Supp. App. 13a. The D.C. Circuit gives the Sixth Circuit little credit, but in any case, the D.C. Circuit mischaracterizes *Keller*. The *Keller* court explained that "[t]he jurisdictional grant of the FSIA [§ 1330(a)] is silent on the subject of criminal actions" and quoted with approval a district court's reasoning that "since the FSIA is the only method of obtaining jurisdiction over foreign sovereigns, and § 1330(a) refers only to civil, and not criminal, actions there is no criminal jurisdiction." 277 F.3d at 818–20 (quoting *Gould, Inc. v. Mitsui Mining & Smelting Co.*, 750 F. Supp. 838, 843–44 (N.D. Ohio 1990)).

Democratic Republic of Congo, 637 F.3d 373, 379 (D.C. Cir. 2011)).

The disagreements in the lower courts are not going anywhere. It is time for this Court to weigh in.

II. THE D.C. CIRCUIT MANUFACTURED SUBJECT-MATTER JURISDICTION UNDER 18 U.S.C. § 3231 BY IGNORING THE FSIA'S TEXT AND THIS COURT'S HOLDINGS.

In concluding that it had subject-matter jurisdiction under 18 U.S.C. § 3231—a statute of general jurisdiction that says nothing about foreign states—the D.C. Circuit reasoned that “[i]t is hard to imagine a clearer textual grant of subject-matter jurisdiction” than in § 3231. Supp. App. 6a (quoting § 3231: “The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States.”); *see also id.* at 6a–7a (“‘All’ means ‘all’; the provision contains no carve-out for criminal process served on foreign defendants. And nothing in the [FSIA’s] text expressly displaces section 3231’s jurisdictional grant.”). But the same can be said about almost all grants of general subject-matter jurisdiction (civil and criminal), including those at issue in *Amerada Hess* that this Court held do not apply in actions against foreign states. *See, e.g.*, 28 U.S.C. § 1350 (Alien Tort Statute: “The district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States.”); 28 U.S.C. § 1331 (granting subject-matter jurisdiction

over “all civil actions arising under the Constitution, laws, or treaties of the United States”).

Indeed, the D.C. Circuit accepted the very argument that this Court rejected in *Amerada Hess*—that if Congress intended to preclude courts from exercising subject-matter jurisdiction over foreign states under statutes outside of 28 U.S.C. § 1330(a), it would have enacted *pro tanto* repealers of those non-FSIA statutes. This Court said the opposite in *Amerada Hess*. See 488 U.S. at 437–38 (“In light of the comprehensiveness of the statutory scheme in the FSIA, we doubt that even the most meticulous draftsman would have concluded that Congress also needed to amend *pro tanto* the Alien Tort Statute and presumably such other grants of subject-matter jurisdiction in Title 28 as § 1331 (federal question), § 1333 (admiralty), § 1335 (interpleader), § 1337 (commerce and antitrust), and § 1338 (patents, copyrights, and trademarks).”).

The D.C. Circuit’s holding also makes little sense. By the court of appeals’ view, Congress needed to affirmatively grant subject-matter jurisdiction for civil cases against foreign states (through 28 U.S.C. § 1330(a)) but didn’t need to do the same for criminal cases against foreign states—even though exercising criminal jurisdiction over a foreign state offends sovereign dignity in a way that exercising civil jurisdiction does not. Pet. 27. The court of appeals’ decision also rests on the counterintuitive conclusion that Congress carefully limited jurisdiction in civil cases to “nonjury” actions (28 U.S.C. § 1330(a)) but had no qualms about letting juries decide a foreign

state's fate in criminal proceedings. *Compare Universal Consol. Cos. v. Bank of China*, 35 F.3d 243, 245 (6th Cir. 1994) (in 1791, "a suit against a foreign state was unknown to the common law").

The D.C. Circuit also tried to confine to the civil context this Court's holding in *Amerada Hess* and other cases that the FSIA's jurisdictional scheme is exclusive. *See* Supp. App. 12a–13a. The court of appeals' efforts on that score are polished revisionism and nothing more. Regardless, the D.C. Circuit ignored that in describing the FSIA as a "comprehensive" jurisdictional scheme, this Court tracked the statute's legislative history. *See* H.R. Rep. No. 94-1487, at 14 ("[J]urisdiction in actions against foreign states is comprehensively treated by [] section 1330"); *see also id.* at 12–13 ("Section 1330 provides a comprehensive jurisdictional scheme in cases involving foreign states.").

The court of appeals also reasoned that this Court in *Amerada Hess* "gave no hint at all that it intended to create a loophole where, in criminal cases clearly covered by an exception to immunity, a district court would nevertheless lack subject-matter jurisdiction." Supp. App. 10a. What the D.C. Circuit called a "loophole" is the longstanding rule in international law that one sovereign may not exercise criminal jurisdiction over another. Pet. 7. At the very least, this Court should grant certiorari to clarify whether it included a civil-case limitation in its holdings that the FSIA's jurisdictional scheme is exclusive.

III. THE D.C. CIRCUIT'S OPINION IS ROOTED IN POLICY DIFFERENCES WITH CONGRESS AND, BY EXTENSION, INTERNATIONAL LAW.

The D.C. Circuit's opinion also confirms that policy concerns drove its jurisdictional analysis. The D.C. Circuit worries that adopting Country A's view would allow "a foreign-sovereign-owned, purely commercial enterprise operating within the United States [to] flagrantly violate criminal laws" and that "the U.S. government would be powerless to respond save through diplomatic pressure." Supp. App. 10a; *see also id.* at 11a ("We doubt very much that Congress so dramatically gutted the government's crime-fighting toolkit.").

But through 28 U.S.C. § 1603(a), Congress extended to a foreign state's agencies and instrumentalities (including a majority-owned corporation) the same immunity from American criminal jurisdiction that the foreign state itself enjoys. It is not for the D.C. Circuit or any other American court to second-guess Congress's policy choice on that score. *See 62 Cases of Jam v. United States*, 340 U.S. 593, 596 (1951) ("Congress expresses its purpose by words. It is for us to ascertain—neither to add nor to subtract, neither to delete nor to distort."); *Christianson v. Colt Indus. Operating Corp.*, 486 U.S. 800, 818 (1988) ("even in the interest of justice," a court "may not in any case . . . extend its jurisdiction where none exists").

The D.C. Circuit tried to ground its policy concerns in supposed uncertainty over the pre-FSIA immunity

status of sovereign-owned corporations. See Supp. App. 11a (“The common law of criminal immunities for a corporation owned by a foreign state was [unsettled] in 1976 and remains today.”). Those unidentified common-law principles could never override Congress’s decision to treat foreign agencies and instrumentalities as the foreign state itself. 28 U.S.C. § 1603. In any case, the supposed uncertainty is a fiction. See, e.g., *In re Investigation of World Arrangements*, 13 F.R.D. 280, 291 (D.D.C. 1952) (collecting cases treating sovereign-owned corporations as the sovereign itself).

The court of appeals acknowledged “the lack of reported cases—before and after the [FSIA]—considering criminal process served on sovereign-owned corporations.” Supp. App. 11a. But instead of drawing the straightforward conclusion that the absence of reported cases reflects the absence of subject-matter jurisdiction, the court speculated that “[a]n equally likely explanation for the absence of cases is that most companies served with subpoenas simply comply without objection.” Supp. App. 11a. There is no evidence—*none*—supporting the D.C. Circuit’s speculation on that score. On the contrary, in the lone pre-FSIA case that the D.C. Circuit cited—*In re Investigation of World Arrangements*, 13 F.R.D. 280 (D.D.C. 1952)—a corporation owned by the British Government successfully challenged a grand jury subpoena on sovereign-immunity grounds. *Id.* at 291 (“[T]he corporation, Anglo-Iranian Oil Company, is indistinguishable from the Government of Great Britain.”).

In another sign that the D.C. Circuit strained hard to reach its preferred result, the court of appeals cited Andrew Dickinson's article *State Immunity & State-Owned Enterprises* with the parenthetical "(positing that international law might allow criminal prosecutions of 'state-owned enterprises')". Supp. App. 11a. That is not what the article says—not even close. On the contrary, Dickinson acknowledged that "[i]t is generally accepted that, at least under the *present* state of customary international law, criminal proceedings cannot be brought in a municipal jurisdiction against a foreign state." 10 No. 2 Bus. L. Int'l 97, 124 (2009) (emphasis added). Later in the article, Dickinson argued in *two sentences* that state-owned enterprises should enjoy immunity from criminal jurisdiction but that a state-owned enterprise's "separate legal personality" *might* make it more difficult in a particular case for the enterprise to show that it was acting as the state's agent. *Id.* at 125. Dickinson was not purporting to describe the state of international law.

In any event, the problem that Dickinson hypothesizes is not a problem under the FSIA, for Congress has already decided (through 28 U.S.C. § 1603) to treat foreign states and their agencies and instrumentalities as one and the same for purposes of jurisdictional immunity.

IV. THE D.C. CIRCUIT ERRED IN CONCLUDING THAT THE FSIA'S EXCEPTIONS TO JURISDICTIONAL IMMUNITY CAN APPLY OUTSIDE OF THE CIVIL CONTEXT.

Ignoring the textual interplay between § 1330(a) and the FSIA's immunity exceptions in §§ 1605–07, the D.C. Circuit also concluded that the FSIA's immunity exceptions can apply in criminal cases just as in civil cases. But the only jurisdiction-granting statute in the U.S. Code that incorporates the FSIA's immunity exceptions is § 1330(a)—proof that the exceptions apply only within § 1330(a)'s civil-case limits. Indeed, the exceptions themselves—“[a]lmost all [of which] involve commerce or immovable property located in the United States”—are civil in nature. *Bolivarian Republic of Venezuela v. Helmerich & Payne Int'l Drilling Co.*, 137 S. Ct. 1312, 1320 (2017); *see also* Pet. 17–18; 28 U.S.C. §§ 1605–07. This Court should grant certiorari to settle the question once and for all.

V. THE D.C. CIRCUIT'S OPINION CONFIRMS THAT THE QUESTIONS PRESENTED ARE AMONG THE MOST IMPORTANT THAT THIS COURT COULD DECIDE UNDER THE FSIA.

The D.C. Circuit's opinion also underscores the importance and sensitivity of the questions presented in Country A's petition. Pet. 35–38. The court of appeals agreed that the jurisdictional issue is a “fraught question.” *See* Supp. App. 11a (“[I]f Congress really intended to furnish a definitive answer to such

a fraught question, one would expect that answer to show up clearly in the Act's text"). Fraught indeed: On the world stage, the United States has argued with the force of history that one foreign sovereign may not exercise criminal jurisdiction over another. The courts below have now cast doubt on America's commitment to that longstanding rule.

CONCLUSION

For the reasons set forth in Country A's Petition for Certiorari and in this Supplemental Brief, this Court should grant certiorari and, having done that, should reverse the judgment below.

January 16, 2019

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Exhibit B

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-gj-00041-BAH *SEALED*
Internal Use Only**

IN RE: IN THE MATTER OF GRAND JURY SUBPOENA [REDACTED]

Assigned to: Chief Judge Beryl A. Howell

Case in other court: USCA, 18-03068

USCA, 18-03071

Cause: Civil Miscellaneous Case

Date Filed: 08/16/2018

Nature of Suit: 890 Other Statutory Actions

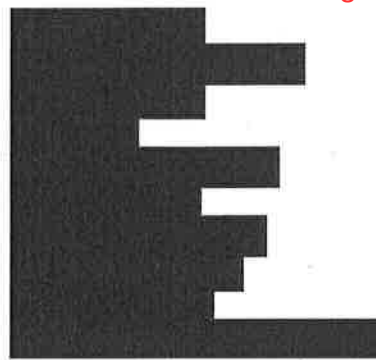
Jurisdiction: Federal Question

In Re

GRAND JURY SUBPOENA [REDACTED]


Interested Party

represented by


**Interested Party****UNITED STATES OF AMERICA**

represented by


U.S. DEPARTMENT OF JUSTICE950 Pennsylvania Avenue, NW
Washington, DC 20530**LEAD ATTORNEY**
ATTORNEY TO BE NOTICED**U.S. DEPARTMENT OF JUSTICE**950 Pennsylvania Avenue NW
Washington, DC 20530**LEAD ATTORNEY**
ATTORNEY TO BE NOTICED


Date Filed	#	Docket Text
08/16/2018	 <u>1</u>	MOTION to Seal Case by [REDACTED] (Attachments: # <u>1</u> Proposed Order) (zmd) (Entered: 08/16/2018)
08/16/2018	<u>2</u>	ORDER GRANTING <u>1</u> Motion to Seal Case. Signed by Chief Judge Beryl A. Howell on 8/16/2018 (zmd) (Entered: 08/16/2018)
08/16/2018	<u>3</u>	MOTION to Quash Grand Jury Subpoena No. [REDACTED] (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> [REDACTED], # <u>7</u> Text of Proposed Order)(zjf) (Entered: 08/17/2018)
08/17/2018		MINUTE ORDER (paperless) ISSUING, upon consideration of the witness's <u>3</u> Motion to Quash Grand Jury Subpoena, the following schedule to govern further proceedings in this matter (1) by Friday, August 24, 2018, the government shall file any opposition to the witness's motion; (2) by Friday, August 31, 2018, the witness shall file any reply to the government's opposition; (3) at 10 AM on Tuesday, September 11, 2018, the parties shall appear for a hearing before Chief Judge Beryl A. Howell in Courtroom 22 Signed by Chief Judge Beryl A. Howell on August 16, 2018.(lcbahl) (Entered: 08/17/2018)
08/17/2018		Filing fee received: \$ 47.00, receipt number: 4616094164. (zjf) (Entered: 08/17/2018)

		08/17/2018)
08/24/2018	<u>4</u>	GOVERNMENT'S RESPONSE in Opposition to <u>3</u> Motion to Quash Grand Jury Subpoena. (Attachments: # <u>1</u> Attachment A, # <u>2</u> Attachment B, # <u>3</u> Attachment C, # <u>4</u> Attachment D) (zad) (Entered: 08/27/2018)
08/24/2018	<u>5</u>	GOVERNMENT'S MOTION for Leave to File Ex Parte Supplement. (Attachment: # <u>1</u> Text of Proposed Order) (zad) (Entered: 08/27/2018)
08/24/2018		Ex Parte SUPPLEMENT re <u>4</u> Opposition to <u>3</u> Motion to Quash Grand Jury Subpoena filed by UNITED STATES OF AMERICA. (zrdj) Modified on 9/26/2018 (zrdj). (Entered: 09/26/2018)
08/29/2018	<u>6</u>	ORDER GRANTING the government's <u>5</u> Motion for Leave to File Ex Parte Supplement See Order for further details Signed by Chief Judge Beryl A. Howell on August 29, 2018. Counsel have NOT been notified. (lcbah4) (Entered: 08/29/2018)
08/29/2018	<u>7</u>	MOTION [REDACTED] (ztd) (Entered: 08/31/2018)
08/31/2018	<u>8</u>	REPLY to opposition to motion re <u>3</u> MOTION to Quash Grand Jury Subpoena No [REDACTED] (zrdj) (Entered: 09/04/2018)
09/04/2018		MINUTE ORDER (paperless) GRANTING [REDACTED] Signed by Chief Judge Beryl A. Howell on September 4, 2018. (lcbah1) (Entered: 09/04/2018)
09/11/2018		Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Motion Hearing held on 9/11/2018 (Court Reporter [REDACTED]) (ztg) (Entered: 09/11/2018)
09/11/2018		MINUTE ORDER (paperless) DIRECTING the parties jointly to submit, by noon on Wednesday, September 12, 2018, [REDACTED] Signed by Chief Judge Beryl A. Howell on September 11, 2018. (lcbah1) (Entered: 09/11/2018)
09/12/2018	<u>9</u>	SUPPLEMENTAL Brief filed by UNITED STATES OF AMERICA (Attachments # <u>1</u> Attachment)(zrdj) (Entered: 09/12/2018)
09/12/2018	<u>10</u>	MOTION for Extension of Time by [REDACTED] (zrdj) (Entered: 09/12/2018)
09/12/2018	<u>11</u>	ORDER granting <u>10</u> Motion for Extension of Time to. Signed by Chief Judge Beryl A. Howell on 9/12/2018 Copy(s) made available to counsel of record (zrdj) (Entered: 09/12/2018)
09/12/2018	<u>12</u>	SUPPLEMENTAL Brief filed by [REDACTED] (zrdj) (Entered: 09/12/2018)
09/12/2018	<u>13</u>	Joint Submission to 9/11/2018 MINUTE ORDER. (Attachments: # <u>1</u> Exhibit A) (zrdj) (Entered: 09/12/2018)
09/13/2018	<u>14</u>	MOTION FOR PERMISSION TO OBTAIN COPY OF THE SEALED SEPTEMBER 11, 2018 TRANSCRIPT by UNITED STATES OF AMERICA

		(Attachments: # <u>1</u> Text of Proposed Order)(zrdj) Modified event on 9/18/2018 (znmw). (Entered: 09/13/2018)
09/13/2018	<u>15</u>	ORDER granting <u>14</u> Motion PERMISSION TO OBTAIN COPY OF THE SEALED SEPTEMBER 11, 2018 TRANSCRIPT. Signed by Chief Judge Beryl A. Howell on 9/13/2018. Copy(s) made available to counsel of record.(zrdj) (Entered: 09/13/2018)
09/14/2018		MINUTE ORDER (paperless) (ex parte) DIRECTING, upon consideration of the government's ex parte, in camera submission and arguments made at the hearing on Tuesday, September 11, 2018, the government to submit, by Monday, September 17, 2018, an additional ex parte, in camera submission addressing the following question: whether an act or activity of the kind described in 28 U.S.C. § 1605(a)(2) establishes a reasonable possibility that the category of materials the Government seeks will produce information relevant to the general subject of the grand jury's investigation. Signed by Chief Judge Beryl A. Howell on 9/13/2018. Copy(s) made available to ex parte filer. (ztg) (Entered: 09/14/2018)
09/14/2018		Set/Reset Deadlines: Government's response to order of the Court due by 9/17/2018. (ztg) (Entered: 09/14/2018)
09/14/2018	 <u>16</u>	SEALED TRANSCRIPT OF Motion Hearing before Chief Judge Beryl A. Howell held on September 11, 2018; Page Numbers: 1-52. Court Reporter/Transcriber [REDACTED], RPR, FCRR, (zrdj) (Entered: 09/14/2018)
09/17/2018	<u>17</u>	MOTION REQUESTING RELEASE OF TRANSCRIPT OF SEPTEMBER 11, 2018 SEALED HEARING by [REDACTED] (Attachments: # <u>1</u> Text of Proposed Order)(zrdj) (Entered: 09/18/2018)
09/17/2018		Ex Parte Submission in response to the Court's September 14, 2018 ex parte Minute Order filed by UNITED STATES OF AMERICA. (zrdj) (Entered: 09/26/2018)
09/18/2018	<u>18</u>	ORDER granting <u>17</u> Motion REQUESTING RELEASE OF TRANSCRIPT OF SEPTEMBER 11, 2018 SEALED HEARING. Signed by Chief Judge Beryl A. Howell on 9/18/2018. Copy(s) made available to counsel of record.(zrdj) (Entered: 09/18/2018)
09/19/2018	<u>19</u>	ORDER DENYING [REDACTED] <u>3</u> Motion to Quash Grand Jury Subpoena. See Order for further details. Signed by Chief Judge Beryl A. Howell on September 19, 2018.(lcbah1) (Entered: 09/19/2018)
09/19/2018	<u>20</u>	MEMORANDUM OPINION regarding [REDACTED] <u>3</u> Motion to Quash Grand Jury Subpoena. Signed by Chief Judge Beryl A. Howell on September 19, 2018. (lcbah1) (Entered: 09/19/2018)
09/20/2018		Set/Reset Deadlines: Production of subpoenaed records due by 10/1/2018. (ztg) (Entered: 09/20/2018)
09/24/2018	<u>21</u>	NOTICE of Appearance by [REDACTED] (zrdj) (Entered: 09/25/2018)
09/24/2018	<u>22</u>	NOTICE OF APPEAL as to 19 Order on Motion to Quash, <u>20</u> MEMORANDUM OPINION by [REDACTED]. Fee Status: No Fee Paid. Parties have been notified. (zrdj) (Entered: 09/25/2018)
09/25/2018	<u>23</u>	Transmission of the Notice of Appeal, Order Appealed (Memorandum Opinion), and Docket Sheet to US Court of Appeals. The fee remains to be paid and another notice will be transmitted when the fee has been paid in the District Court re <u>22</u> . Notice of Appeal. (zrdj) (Entered: 09/25/2018)

09/25/2018		USCA Appeal Fees received \$ 505 receipt number 4616094713 re <u>22</u> Notice of Appeal filed by [REDACTED] (zrdj) (Entered: 09/25/2018)
09/25/2018	<u>24</u>	Supplemental Record on Appeal transmitted to US Court of Appeals re <u>22</u> Notice of Appeal ; Filing fee paid, (zrdj) (Entered: 09/25/2018)
09/25/2018		USCA Case Number 18-3068 for <u>22</u> Notice of Appeal filed by [REDACTED] (zrdj) (Entered: 09/26/2018)
09/26/2018	<u>25</u>	MOTION to Amend by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order)(zrdj) (Entered: 09/26/2018)
09/26/2018	<u>26</u>	ORDER granting <u>25</u> Motion to Amend/Correct. Signed by Chief Judge Beryl A. Howell on 9/26/2018. Copy(s) made available to counsel of record.(zrdj) (Entered: 09/26/2018)
10/04/2018	<u>27</u>	MOTION to Hold Witness in Contempt by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order)(zrdj) (Entered: 10/04/2018)
10/04/2018		MINUTE ORDER (paperless) ISSUING, upon consideration of the government's <u>27</u> Motion to Hold the Witness in Contempt for Failure to Comply with the Court's September 19, 2018 Order, the following SCHEDULING ORDER to control further proceedings: (1) by 12:00 p.m. on Friday, October 5, 2018, the witness shall file any response to the government's motion; (2) at 2:30 p.m. on Friday, October 5, 2018, the parties shall appear before Chief Judge Beryl A. Howell for a hearing on the government's motion. Signed by Chief Judge Beryl A. Howell on October 4, 2018. Counsel have NOT been notified. (lcbah4) (Entered: 10/04/2018)
10/05/2018	<u>28</u>	GOVERNMENT'S REPLY IN SUPPORT OF MOTION TO HOLD THE WITNESS IN CONTEMPT FOR FAILURE TO COMPLY WITH THE COURT'S SEPTEMBER 19, 2018, ORDER re <u>27</u> MOTION for Order filed by UNITED STATES OF AMERICA. (mw) (Entered: 10/05/2018)
10/05/2018		Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Motion Hearing held on 10/5/2018. (Court Reporter [REDACTED]) (ztg) (Entered: 10/05/2018)
10/05/2018	<u>29</u>	RESPONSE in Opposition re <u>27</u> MOTION to Hold Witness in Contempt filed by [REDACTED] (mw) (Entered: 10/05/2018)
10/05/2018	<u>30</u>	ORDER GRANTING the government's <u>27</u> Motion to Hold the Witness in Contempt for Failure to Comply with the Court's September 19, 2018 Order. See Order for further details. Signed by Chief Judge Beryl A. Howell on October 5, 2018. Certified copy(s) made available to counsel of record. (lcbah1) (Entered: 10/05/2018)
10/09/2018	<u>31</u>	MOTION Release of Transcript of October 5, 2018 sealed hearing by [REDACTED] (Attachments: # <u>1</u> Text of Proposed Order)(zrdj) (Entered: 10/10/2018)
10/09/2018	<u>32</u>	NOTICE OF APPEAL as to <u>20</u> Order, <u>30</u> Order on Motion for Order, <u>19</u> Order on Motion to Quash by [REDACTED]. Fee Status: No Fee Paid. Parties have been notified. (zrdj) (Entered: 10/10/2018)
10/10/2018	<u>33</u>	Transmission of the Notice of Appeal, Order Appealed (Memorandum Opinion), and Docket Sheet to US Court of Appeals. The fee remains to be paid and another notice will be transmitted when the fee has been paid in the District Court re <u>32</u> Notice of Appeal. (zrdj) (Entered: 10/10/2018)

10/10/2018	<u>34</u>	ORDER granting [REDACTED] Motion Requesting Release of the Transcript of the October 5, 2018 Sealed Hearing, and that the court reporter is authorized to release [REDACTED] the transcript of the sealed hearing that occurred before the Court on October 5, 2018. Signed by Chief Judge Beryl A. Howell on 10/10/2018. Certified copy(s) made available to counsel of record (zad) (Entered: 10/10/2018)
10/10/2018		USCA Appeal Fees received \$ 505 receipt number 4616094892 re <u>32</u> Notice of Appeal filed by [REDACTED] (zrdj) (Entered: 10/10/2018)
10/10/2018	<u>35</u>	Supplemental Record on Appeal transmitted to US Court of Appeals re <u>32</u> Notice of Appeal ;USCA Appeal Fees received (zrdj) (Entered: 10/10/2018)
10/10/2018	<u>36</u>	GOVERNMENT's MOTION for Permission to Obtain a Copy of the Sealed October 5, 2018 Transcript. (Attachment: # <u>1</u> Text of Proposed Order)(zad) (Entered: 10/10/2018)
10/10/2018	<u>37</u>	ORDER granting <u>36</u> Government's Motion for Permission to Obtain a Copy of the Sealed October 5, 2018 Transcript; and IT IS FURTHER ORDERED that the court reporter may provide the government with a copy of the October 5, 2018, transcript Signed by Chief Judge Beryl A. Howell on 10/10/2018. Certified copy(s) made available to counsel of record (zad) (Entered: 10/10/2018)
10/10/2018		USCA Case Number 18-3071 for <u>32</u> Notice of Appeal filed by [REDACTED] (zrdj) (Entered: 12/19/2018)
10/11/2018	 <u>38</u>	SEALED TRANSCRIPT OF PROCEEDINGS before Chief Judge Beryl A Howell held on October 5, 2018; Page Numbers: 1-25. Court Reporter/Transcriber [REDACTED], RPR, FCRR (zrdj) (Entered: 10/11/2018)
10/17/2018	<u>39</u>	MOTION Requesting Release of Docket Sheet by [REDACTED] (Attachments: # <u>1</u> Text of Proposed Order)(zrdj) (Entered: 10/17/2018)
10/17/2018		MINUTE ORDER (paperless) GRANTING [REDACTED] Motion Requesting Release of Docket Sheet and ORDERING that the docket sheet in this matter be released to the parties Signed by Chief Judge Beryl A Howell on October 17, 2018 Counsel have NOT been notified.(lcbah1) (Entered: 10/17/2018)
11/05/2018	<u>40</u>	MANDATE of USCA as to <u>22</u> Notice of Appeal filed by [REDACTED]; USCA Case Number 18-3068. (Attachments: # <u>1</u> USCA Order)(zrdj) (Entered: 11/07/2018)
11/08/2018	<u>41</u>	ERRATA as to <u>20</u> Memorandum Opinion Signed by Chief Judge Beryl A Howell on November 8, 2018. Counsel have NOT been notified.(lcbah1) (Entered: 11/08/2018)
11/08/2018	<u>42</u>	CORRECTED MEMORANDUM OPINION regarding [REDACTED] <u>3</u> Motion to Quash Grand Jury Subpoena. Signed by Chief Judge Beryl A. Howell on November 8, 2018. Counsel have NOT been notified.(lcbah1) (Entered: 11/08/2018)
12/18/2018	<u>43</u>	MANDATE of USCA as to <u>32</u> Notice of Appeal filed by [REDACTED]; USCA Case Number 18-3071. (Attachments: # <u>1</u> USCA Judgment)(zrdj) (Entered: 12/19/2018)
01/08/2019	<u>44</u>	Letter to Chief Judge Beryl A. Howell from [REDACTED] "Filed Under Seal" signed by Chief Judge Beryl A. Howell on 1/08/2019. (zad) (Entered: 01/09/2019)
01/09/2019		MINUTE ORDER GRANTING the government's request for a status conference

		and DIRECTING the parties to appear before the Court on Thursday, January 10, 2019, at 9:30 AM in Courtroom 22A. Signed by Chief Judge Beryl A. Howell on 1/9/2019. Copies made available to counsel of record.(ztg) (Entered: 01/09/2019)
01/09/2019	<u>45</u>	COMBINED MOTION FOR A DECLARATION THAT THIS COURT'S OCTOBER 5, 2018 <u>30</u> ORDER IS UNENFORCEABLE AND THAT [REDACTED] PROPERTY IS IMMUNE FROM EXECUTION OR ATTACHMENT, MOTION to Stay OF THIS COURT'S CONTEMPT ORDER PENDING THE SUPREME COURT'S DISPOSITION OF [REDACTED] PETITION FOR A WRIT OF CERTIORARI by [REDACTED] (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(zrdj) (Entered: 01/09/2019)
01/10/2019		Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Status Conference held on 1/10/2019. (Court Reporter [REDACTED]) (ztg) (Entered: 01/10/2019)
01/10/2019		MINUTE ORDER (paperless) DIRECTING the parties to submit a joint status report, by 2:00 PM on January 11, 2019, (1) proposing a briefing schedule for resolution of [REDACTED] Motion for a Declaration that this Court's October 5, 2018 Order is Unenforceable and that [REDACTED] Property is Immune from Execution or Attachment; (2) explaining the parties' agreed upon understanding of when contempt sanctions begin to accrue in this case; and (3) proposing any order to limit [REDACTED] from issuing a public statement about this matter. Signed by Chief Judge Beryl A. Howell on January 10, 2019. Counsel have NOT been notified. (lcbah1) (Entered: 01/10/2019)
01/10/2019	<u>46</u>	MOTION for Permission to Obtain a Copy of the Sealed January 10, 2019 Transcript by UNITED STATES OF AMERICA. (Attachment: # <u>1</u> Text of Proposed Order)(zad) (Entered: 01/10/2019)
01/10/2019	<u>47</u>	ORDER granting <u>46</u> Motion for Permission to Obtain a Copy of the Sealed January 10, 2019 Transcript. IT IS FURTHER ORDERED that the court reporter may provide the government with a copy of the January 10, 2019 transcript. Signed by Chief Judge Beryl A. Howell on 1/10/2019. Certified copy(s) made available to counsel of record. (zad) (Entered: 01/10/2019)
01/10/2019	<u>48</u>	ORDER DENYING IN PART the <u>45</u> Combined Motion for a Declaration that this Court's October 5, 2018 Order is Unenforceable and that [REDACTED] Property is Immune from Execution or Attachment and Motion for a Stay of this Court's Contempt Order Pending the Supreme Court's Disposition of [REDACTED] Petition for a Writ of Certiorari. See Order for further details. Signed by Chief Judge Beryl A. Howell on January 10, 2019. Counsel have NOT been notified.(lcbah1) (Entered: 01/10/2019)
01/11/2019	<u>49</u>	MOTION REQUESTING RELEASE OF THE TRANSCRIPT FOR THE JANUARY 10, 2019 SEALED HEARING by [REDACTED] (zrdj) (Entered: 01/11/2019)
01/11/2019	<u>50</u>	ORDER granting <u>49</u> Motion REQUESTING RELEASE OF THE TRANSCRIPT FOR THE JANUARY 10, 2019 SEALED HEARING. Signed by Chief Judge Beryl A. Howell on 1/11/2019. Counsel has not been notified.(zrdj) (Entered: 01/11/2019)
01/11/2019	<u>51</u>	STATUS REPORT by [REDACTED] (Attachments: # <u>1</u> Text of Proposed Order)(zrdj) (Entered: 01/11/2019)
01/11/2019	 <u>52</u>	SEALED TRANSCRIPT OF Motion Hearing before Chief Judge Beryl A. Howell held on January 10, 2019; Page Numbers: 1-27. Court Reporter/Transcriber [REDACTED], RPR, FCRR, (zrdj) (Entered: 01/11/2019)

01/11/2019	<u>53</u>	PROPOSAL ON ACCRUAL AND SCHEDULE OF CONTEMPT SANCTIONS by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order) (zrdj) Modified on 1/11/2019 (zrdj). (Entered: 01/11/2019)
01/11/2019		MINUTE ORDER (paperless) ISSUING, upon consideration of the witness's <u>51</u> Status Report and the <u>53</u> Government's Proposal on Accrual and Schedule of Contempt Sanctions, the following SCHEDULING ORDER to govern further proceedings in this matter: (1) by Friday, January 18, 2019, the government shall file any opposition to the witness's <u>45</u> Motion for a Declaration that this Court's October 5, 2018 Order is Unenforceable and that [REDACTED] Property is Immune from Attachment; (2) by Tuesday, January 22, 2019, the witness shall file any reply. Signed by Chief Judge Beryl A. Howell on January 11, 2019. (lcbahl) (Entered: 01/11/2019)
01/15/2019	<u>54</u>	LETTER to Chief Judge Beryl A. Howell from [REDACTED]. "Filed Under Seal" signed by Chief Judge Beryl A. Howell on 1/15/2019. (zad) (Entered: 01/15/2019)
01/15/2019	<u>55</u>	SUPPLEMENT re <u>51</u> to [REDACTED] January 11, 2019 Status Report and Proposed Order filed by [REDACTED]. "Filed Under Seal" signed by Chief Judge Beryl A. Howell on 1/15/2019. (Attachment: # <u>1</u> Text of Proposed Order) (zad) Modified on 1/15/2019 to include the filed under seal text (zad). (Entered: 01/15/2019)
01/15/2019	<u>56</u>	MOTION FOR A STAY of the Contempt Fines' Accrual Until This Court Rules on the [REDACTED] Pending Motion for a Declaration by [REDACTED] "Filed Under Seal" signed by Chief Judge Beryl A. Howell on 1/15/2019. (Attachment: # <u>1</u> Text of Proposed Order) (zad) (Entered: 01/15/2019)
01/15/2019		Set/Reset Deadlines: Government's opposition, if any, to <u>45</u> Motion due by 1/18/2019; Witness' Reply due by 1/22/2019. (ztg) (Entered: 01/15/2019)
01/15/2019	<u>57</u>	MEMORANDUM AND ORDER DENYING [REDACTED] <u>56</u> Motion for a Stay of the Contempt Fines' Accrual until this Court Rules on [REDACTED] Pending Motion for a Declaration and RESOLVING issues raised at the January 10, 2019 status conference. See attached Memorandum and Order for more details. Signed by Chief Judge Beryl A. Howell on January 15, 2019. (lcbahl) (Entered: 01/15/2019)
01/16/2019		Set/Reset Deadlines: Government's response to Order of the Court due by 1/22/2019. (ztg) (Entered: 01/16/2019)
01/18/2019	<u>58</u>	Memorandum in opposition to re <u>45</u> MOTION COMBINED MOTION FOR A DECLARATION THAT THIS COURT'S OCTOBER 5, 2018 30 ORDER IS UNENFORCEABLE AND THAT [REDACTED] PROPERTY IS IMMUNE FROM EXECUTION OR ATTACHMENT, MOTION to Stay OF THIS COURT'S CONTEMPT ORDER PENDING THE SUPREME COURT'S DISPOSITION OF [REDACTED] PETITION FOR A WRIT OF CERTIORARI filed by UNITED STATES OF AMERICA. (zrdj) (Entered: 01/18/2019)
01/22/2019	<u>59</u>	[REDACTED] REPLY Supporting its <u>45</u> Motion for a Declaration that this Court's October 5, 2018 Order is Unenforceable and that [REDACTED] Property is Immune from Execution or Attachment filed by [REDACTED] (zad) (Entered: 01/22/2019)
01/22/2019	<u>60</u>	GOVERNMENT'S REPORT ON UNSEALING. (Attachment: # <u>1</u> Exhibit A) (zad) (Entered: 01/22/2019)

01/23/2019	<u>61</u>	GOVERNMENT'S REPORT ON UNSEALING by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Exhibit A (Corrected))(zrdj) (Entered: 01/23/2019)
01/23/2019		MINUTE ORDER (paperless) DIRECTING the parties to file, by January 28, 2019, a joint status report advising the Court whether, in light of information made available through the D.C. Circuit's and the Supreme Court's docket, and a pending request by a media organization, the docket in this matter may be unsealed with redactions and proposing redactions to be made prior to any unsealing. Signed by Chief Judge Beryl A. Howell on January 23, 2019. Counsel have NOT been notified.(lcbah1) (Entered: 01/23/2019)
01/23/2019		Set/Reset Deadlines: Joint Status Report due by 1/28/2019. (ztg) (Entered: 01/23/2019)
01/24/2019	<u>62</u>	MOTION Requesting Release of Docket Sheet by [REDACTED] (Attachments: # <u>1</u> Text of Proposed Order)(zrdj) (Entered: 01/24/2019)
01/24/2019	<u>63</u>	ORDER granting <u>62</u> Motion Requesting Release of Docket Sheet. Signed by Chief Judge Beryl A. Howell on 1/24/2019. Counsel have NOT been notified.(zrdj) (Entered: 01/24/2019)
01/24/2019	<u>64</u>	ORDER DENYING [REDACTED] <u>45</u> Motion for a Declaration that this Court's October 5, 2018 Order is Unenforceable and that [REDACTED] Property is Immune from Execution or Attachment. See Order for further details. Signed by Chief Judge Beryl A. Howell on January 24, 2019. Counsel have NOT been notified.(lcbah1) (Entered: 01/24/2019)
01/24/2019	<u>65</u>	MEMORANDUM OPINION regarding [REDACTED] <u>45</u> Motion for a Declaration that this Court's October 5, 2018 Order is Unenforceable and that [REDACTED] Property is Immune from Execution or Attachment. Signed by Chief Judge Beryl A. Howell on January 24, 2019. Counsel have NOT been notified.(lcbah1) (Entered: 01/24/2019)
01/28/2019	<u>66</u>	STATUS REPORT concerning proposed redactions by [REDACTED] (zrdj) (Entered: 01/28/2019)
01/28/2019	<u>67</u>	RESPONSE TO COURTS JANUARY 23, 2019 MINUTE ORDER filed by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Exhibit A -- docket sheet redacted, # <u>2</u> Certificate of Service)(zrdj) (Entered: 01/28/2019)
01/28/2019		MINUTE ORDER (paperless) DIRECTING the government to file, by January 30, 2019, a response to the witness's <u>66</u> Status Report Concerning Proposed Redactions to this Court's Docket, explaining [REDACTED] [REDACTED] See <u>66</u> Witness's Status Report at 2. Signed by Chief Judge Beryl A. Howell on January 28, 2019. Counsel have NOT been notified.(lcbah1) (Entered: 01/28/2019)
01/28/2019		Set/Reset Deadlines: Government's response to order of the Court due by 1/30/2019. (ztg) (Entered: 01/28/2019)
01/29/2019	<u>68</u>	GOVERNMENT'S RESPONSE to Court's January 28, 2019 Minute Order filed by UNITED STATES OF AMERICA. (Attachment: # <u>1</u> Attachment A) (zad) (Entered: 01/29/2019)
01/29/2019	<u>69</u>	RESPONSE to PROPOSED DOCKET REDACTIONS re <u>67</u> Response to Order of the Court, <u>68</u> Response to Order of the Court filed by [REDACTED]

		[REDACTED] (zrdj) (Entered: 01/29/2019)
01/30/2019	<u>70</u>	GOVERNMENT'S REQUEST FOR CLARIFICATION of the Court's January 15, 2019 Memorandum and Order. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (zad) (Entered: 01/30/2019)
01/30/2019	<u>71</u>	RESPONSE re <u>70</u> GOVERNMENT'S REQUEST FOR CLARIFICATION of the Court's January 15, 2019 Memorandum and Order. filed by [REDACTED] (zrdj) (Entered: 01/30/2019)
01/30/2019	<u>72</u>	MEMORANDUM AND ORDER regarding limited unsealing of the docket sheet and <u>70</u> Government's Request for Clarification of the Court's January 15, 2019 Memorandum and Order. See attached Memorandum and Order for more details. Signed by Chief Judge Beryl A. Howell on January 30, 2019. Counsel have NOT been notified.(lcbah1) (Entered: 01/30/2019)